

[COMMITTEE PRINT]

RULES OF PROCEDURE
FOR THE
SELECT COMMITTEE TO STUDY
GOVERNMENTAL OPERATIONS WITH
RESPECT TO INTELLIGENCE ACTIVITIES

ADOPTED BY THE SENATE ON APRIL 9, 1975
UNITED STATES SENATE

REPORT OF THE SELECT COMMITTEE TO STUDY
GOVERNMENTAL OPERATIONS WITH
RESPECT TO INTELLIGENCE ACTIVITIES

(Adopted April 9, 1975)
SENATE COMMITTEE ON INTELLIGENCE
AND SELECT COMMITTEE TO STUDY
GOVERNMENTAL OPERATIONS WITH
RESPECT TO INTELLIGENCE ACTIVITIES

REPORT OF THE SELECT COMMITTEE TO STUDY
GOVERNMENTAL OPERATIONS WITH
RESPECT TO INTELLIGENCE ACTIVITIES

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SENATE SELECT COMMITTEE TO STUDY GOVERNMENTAL OPERATIONS WITH RESPECT TO INTELLIGENCE ACTIVITIES

(Established by S. Res. 21, 94th Cong., 1st sess.)

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UNITED STATES SENATE
WASHINGTON, D.C.

INDEX

	Page
Rule 1 Convening of Meetings.....	1
Rule 2 Meeting Procedures.....	1
Rule 3 Broadcasting, Television and Photography.....	2
Rule 4 Investigations.....	2
Rule 5 Subpoenas.....	2
Rule 6 Procedures Related to the Taking of Testimony.....	2
Notice.....	2
Oath or Affirmation.....	2
Interrogation.....	2
Counsel for the Witness.....	2
Statements by Witnesses.....	2
Objections and Rulings.....	3
Lights and Broadcasting.....	3
Inspection and Correction.....	3
Persons Affected by Testimony.....	4
Contempt Procedures.....	4
Release of Name of Witness.....	4
Rule 7 Procedures for Handling Classified or Sensitive Material.....	4
Rule 8 Preparation for Committee Meetings.....	5
Rule 9 Staff.....	5
Rule 10 Services, Information, Facilities and Personnel of the Govern- ment; Consultants.....	6
Rule 11 Reporting of Measures or Recommendations.....	6
Rule 12 Changes in Rules.....	6
Appendix—S. Res. 21.....	7

(iii)

RULES OF PROCEDURE

These Rules are issued pursuant to the 1st Section of Senate Resolution 21, 94th Congress, 1st Session, agreed to January 27, 1975, and printed in full in the appendix hereto.

RULE 1. CONVENING OF MEETINGS

1.1 The Committee may schedule a regular day and hour for the Committee to meet.

1.2 The Chairman shall have authority, upon proper notice, to call such additional meetings of the Committee as he may deem necessary and may delegate such authority to any other member of the Committee.

1.3 A special meeting of the Committee may be called at any time upon the written request of six or more members of the Committee filed with the Clerk of the Committee.

1.4 In the case of any meeting of the Committee, other than a regularly scheduled meeting, the Clerk of the Committee shall notify every member of the Committee of the time and place of the meeting and shall give reasonable notice which, except in extraordinary circumstances, shall be at least 24 hours in advance of any meeting held in Washington, D.C. and at least 48 hours in the case of any meeting held outside Washington, D.C.

1.5 If a majority of the members of the Committee have made a request in writing to the Chairman to call a meeting of the Committee and the Chairman fails to call such a meeting within seven calendar days thereafter, including the day on which the written notice is submitted, such majority may call a meeting by filing a written notice with the Clerk of the Committee who shall promptly notify each member of the Committee in writing of the date and time of the meeting.

RULE 2. MEETING PROCEDURES

2.1 Meetings of the Committee shall be open to the public except when otherwise directed by the Chairman or majority vote of members present.

2.2 It shall be the duty of the staff director to keep or cause to be kept a record of all Committee proceedings.

2.3 The Chairman of the Committee, or if the Chairman is not present the Vice Chairman, shall preside over all meetings of the Committee. In the absence of the Chairman and the Vice Chairman at any meeting the ranking majority member, or if no majority member is present the ranking minority member present, shall preside.

2.4 Except as otherwise provided in these Rules, decisions of the Committee shall be by majority vote of the members present and voting. A quorum for the transaction of Committee business, including

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the conduct of Executive sessions, shall consist of six Committee members except, that for the purpose of hearing witnesses, taking sworn testimony, and receiving evidence under oath, a quorum may consist of one Senator.

2.5 A vote by any member of the Committee with respect to any measure or matter being considered by the Committee may be cast by proxy if the proxy authorization (1) is in writing to the Chairman or Vice Chairman; (2) designates the member of the Committee who is to exercise the proxy; and (3) is limited to a specific measure or matter and any amendments pertaining thereto. Proxies shall not be considered for the establishment of a quorum.

RULE 3. BROADCASTING, TELEVISION, AND PHOTOGRAPHY

Any Committee meeting which is open to the public may, subject to Rule 6.7, be covered, in whole or in part, by television, radio, still photography, or other media coverage, if the Chairman authorizes such coverage. When coverage by any such media is authorized it must be conducted in an orderly and unobtrusive manner, and the Chairman may for good cause terminate such media coverage in whole or in part, or take such other action as the circumstances may warrant.

RULE 4. INVESTIGATIONS

No investigation shall be initiated by the Committee unless a majority of the members of the Committee has specifically authorized such investigation, but any member of the Committee shall be entitled to pursue any inquiry individually unless specifically prohibited by a majority vote of the members of the Committee. Authorized investigations or inquiries may be conducted by members of the Committee and/or by designated staff members.

RULE 5. SUBPOENAS

Subpoenas for attendance of witnesses or the production of memoranda, documents, records, or any other material may be issued by the Chairman, or any other member designated by him after consultation with the Vice Chairman, and may be served by any person designated by the Chairman or member. Each subpoena shall contain a copy of Senate Resolution 21, 94th Congress, 1st Session.

RULE 6. PROCEDURES RELATED TO THE TAKING OF TESTIMONY

6.1 *Notice.*—Witnesses required to appear before the Committee shall be given reasonable notice and all witnesses shall be furnished a copy of these Rules.

6.2 *Oath or Affirmation.*—Testimony of witnesses shall be given under oath or affirmation which may be administered by any member of the Committee.

6.3 *Interrogation.*—Committee interrogation shall be conducted by members of the Committee and such staff personnel as is authorized by the Chairman, the Vice Chairman, or the presiding member.

6.4 *Counsel for the Witness.*—(a) Any witness may be accompanied by counsel. A witness who is unable to obtain counsel may inform

the Committee of such fact, and if consistent with the notice given under Section 6.1 hereof, at least 24 hours prior to his appearance before the Committee, the Committee shall then endeavor to obtain voluntary counsel for the witness, but failure to obtain such counsel will not excuse the witness from appearing and testifying.

(b) Counsel shall conduct themselves in an ethical and professional manner. Failure to do so shall, upon a finding to that effect by a majority of the members present, subject such counsel to disciplinary action which may include warning, censure, removal, or a recommendation of contempt proceedings.

(c) There shall be no direct or cross examination by counsel. However, counsel may submit in writing any questions he wishes propounded to his client or to any other witness and may, at the conclusion of his client's testimony, suggest the presentation of other evidence or the calling of other witnesses. The Committee may use such questions and dispose of such suggestions as it may see fit.

6.5 *Statements by Witnesses.*—A witness may make a statement, which shall be brief and relevant, at the beginning and conclusion of his testimony. Such statements shall not exceed a reasonable period of time as determined by the Chairman, or other presiding member. Any witness desiring to make a prepared or written statement for the record of the proceedings shall file a copy with the Clerk of the Committee, and in so far as practicable and consistent with the notice given, shall do so at least 72 hours in advance of his appearance before the Committee.

6.6 *Objections and Rulings.*—Any objection raised by a witness or counsel shall be ruled upon by the Chairman or other presiding member, and such ruling shall be the ruling of the Committee unless a majority of the Committee present overrules the ruling. In the case of tie votes the rule of the chair will prevail.

6.7 *Lights and Broadcasting.*—(a) A witness may request, on grounds of distraction, harassment, or physical discomfort, that during his testimony, television, motion picture, and other cameras and lights shall not be directed at him, such requests to be ruled on in accordance with Rule 2.4.

(b) No witness subpoenaed by the Committee shall be required against his will to be photographed at any hearing or to give evidence or testimony while the broadcasting of that hearing, by radio or television, is being conducted. At the request of any witness who does not wish to be subjected to radio, television, or still photography coverage, all lenses shall be covered and all microphones used for coverage turned off. So far as is practicable, a witness desiring to make such a request shall so inform the Chief Counsel of the Committee at least 24 hours prior to the time that witness is scheduled to testify.

6.8 *Inspection and Correction.*—All witnesses testifying before the Committee shall be given a reasonable opportunity to inspect, in the office of the Committee, the transcript of their testimony to determine whether such testimony was correctly transcribed. The witness may be accompanied by counsel. Any corrections the witness desires to make in the transcript shall be submitted in writing to the Committee within five days of the availability of the transcript. Corrections shall be limited to grammar and minor editing, and may

not be made to change the substance of the testimony. Any questions arising with respect to such corrections shall be decided by the Chairman. Upon request, those parts of testimony given by a witness in Executive session which are subsequently quoted or made part of a record shall be made available to that witness at his expense.

6.9 Persons Affected by Testimony.—A person who believes that testimony or other evidence presented at a public hearing, or any comment made by a Committee member or Committee counsel, may tend to affect adversely his reputation, may request to appear personally before the Committee to testify on his own behalf, or may file a sworn statement of facts relevant to the testimony, evidence, or comment, or may submit to the Chairman proposed questions in writing for the cross-examination of other witnesses. The Committee shall take such action as it deems appropriate.

6.10 Contempt Procedures.—No recommendations that a person be cited for contempt of Congress shall be forwarded to the Senate unless and until the Committee has, upon notice to all its members, met and considered the alleged contempt, afforded the person an opportunity to state in writing or in person why he should not be held in contempt, and agreed, by majority vote of the Committee to forward such recommendation to the Senate.

6.11 Release of Name of Witness.—Unless authorized by the Chairman, the name of any witness scheduled to be heard by the Committee shall not be released prior to his appearance before the Committee.

RULE 7. PROCEDURES FOR HANDLING CLASSIFIED OR SENSITIVE MATERIAL

7.1 Committee staff offices on the first floor of the Dirksen Office Building shall operate under strict security precautions. At least one security guard shall be on duty at all times by the entrance to control entry. All persons before entering the offices shall identify themselves. At least one additional security guard shall be posted at night for surveillance of the secure area where sensitive documents are kept.

7.2 Sensitive or classified documents and material shall be segregated in a secure storage area. They may be examined only at secure reading facilities. Copying, duplicating, or removal from the Committee staff offices of such documents and other materials is prohibited except as is necessary for use in, or preparation for, interviews or Committee meetings, including the taking of testimony, and in conformity with Section 9.2 hereof.

7.3 Each member of the Committee shall at all times have access to all papers and other material received from any source. The Staff Director shall be responsible for the maintenance, under appropriate security procedures, of a registry which will number and identify all papers and other materials in the possession of the Committee, and such registry shall be available to any member of the Committee.

7.4 Access to classified information supplied to the Committee shall be limited to the Staff Director, the Chief Counsel and the Counsel to the Minority, and to those staff members with appropriate security clearances and a need-to-know.

7.5 No testimony taken including the names of witnesses testifying or material presented at an Executive Session, or classified papers, and other materials received by the staff or its consultants while in the employ of the Committee shall be made public, in whole or in part or by way of summary, or disclosed to any person outside the Committee unless authorized by a majority vote of the entire Committee, or after the termination of the Committee, in such manner as may be determined by the Senate.

7.6 Before the Committee is called upon to make any disposition with respect to the testimony, papers, or other materials presented to it, the Committee members shall have a reasonable opportunity to examine all pertinent testimony, papers and other materials that have been obtained by the Committee staff. No member shall release any such testimony, papers, or other materials, or any information contained in such testimony, papers, or other materials, to the public or any person outside the Committee unless authorized by a majority vote of the entire Committee, or after the termination of the Committee, in such manner as may be determined by the Senate.

RULE 8. PREPARATION FOR COMMITTEE MEETINGS

8.1 Under direction of the Chairman, the Staff Director, Chief Counsel, Counsel to the Minority, or other designated staff members shall brief members of the Committee at a time sufficiently prior to any Committee meeting in order to assist the Committee members in preparation for such meeting and to determine any matter which the Committee member might wish considered during the meeting. Such briefing shall include a list of all pertinent papers and other materials that have been obtained by the Committee that bear on matters to be considered at the meeting.

8.2 The Staff Director, the Chief Counsel, and the Counsel to the Minority shall recommend to the Chairman and the Vice Chairman the testimony, papers, and other materials to be presented to the Committee at any meeting. The determination whether such testimony, papers, and other materials shall be presented in open or Executive session shall be made pursuant to the rules of the Senate.

RULE 9. STAFF

9.1 The appointment of all staff members and consultants shall be confirmed by a majority vote of the Committee. After confirmation, the Chairman shall certify staff appointments to the Financial Clerk of the Senate in writing.

9.2 Except as otherwise provided by the Committee, the duties of staff and consultants shall be performed, and staff personnel affairs and day-to-day operations, including security and control of classified documents and material, shall be administered under the direct supervision and control of the Staff Director and the Chief Counsel. The Counsel for the Minority shall be kept fully informed regarding all matters and shall have access to all material in the files of the Committee.

9.3 The staff of the Committee shall not discuss either the substance or procedure of the work of the Committee with anyone other

than a member of the Committee or other Committee personnel. Upon termination of employment by the Committee, each member of the staff, or consultant, shall surrender all classified and other material relating to the work of the Committee which came into his possession while in the employ of the Committee.

9.4 The employment of any member of the staff or consultant who fails to conform to any of these Rules shall be immediately terminated.

RULE 10. SERVICES, INFORMATION, FACILITIES, AND PERSONNEL OF THE GOVERNMENT, CONSULTANTS

The Chairman shall have the authority to utilize the services, information, facilities, and personnel of the departments and agencies of the government, and to procure the temporary or intermittent services of experts or consultants or organizations thereof to make studies or assist or advise the Committee with respect to any matter under investigation.

RULE 11. REPORTING OF MEASURES OR RECOMMENDATIONS

11.1 No measure or recommendations shall be reported from the Committee unless a majority of the Committee is actually present and a majority of those present concur.

11.2 In any case in which the Committee is unable to reach a unanimous decision, separate views or reports may be presented and printed by any member or members of the Committee.

11.3 A member of the Committee who gives notice of his intention to file supplemental, minority, or additional views at the time of final Committee approval of a measure or matter, shall be entitled to not less than three calendar days in which to file such views, in writing, with the Clerk of the Committee. Such views shall then be included in the Committee report and printed in the same volume, as a part thereof, and their inclusion shall be noted on the cover of the report.

RULE 12. CHANGES IN RULES

These Rules may be modified, amended, or repealed by the Committee, provided that a notice in writing of the proposed change has been given to each member at least 48 hours prior to the meeting at which action thereon is to be taken.